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G&C Marketing Co. d/b/a J&J Sales Co.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ENERGIZER BRANDS, LLC,

Plaintiff,

v.

MY BATTERY SUPPLIER, LLC,

Defendant.

CASE NO. 1:19-cv-6486-AMD-CLP

**NOTICE OF MOTION
TO QUASH SUBPOENA OR, IN THE
ALTERNATIVE, MODIFY SUBPOENA
AND ENTER A PROTECTIVE ORDER,
AND FOR FEES AND COSTS**

TO: Anthony F. Lo Cicero, Esq.
Mark Berkowitz, Esq.
Sandra A. Hudak, Esq.
90 Park Avenue
New York, New York 10016
Attorneys for Defendant My Battery Supplier, LLC

ON NOTICE TO:

Christopher S. Finnerty, Esq.
Jennifer J. Nagle, Esq.
Emily Gianetta, Esq.
K&L GATES LLP
One Lincoln Street
Boston, Massachusetts 02111
Attorneys for Plaintiff Energizer Brands, LLC

COUNSEL:

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and all other prior pleadings and proceedings in this Action, Nonparty G&C Marketing Co. d/b/a J&J

Sales Co. ("J&J Sales"), by and through the undersigned counsel shall move before the United States District Court for the Eastern District of New York for an Order, pursuant to Federal Rule of Civil Procedure 45(d)(3), quashing a subpoena served by Defendant My Battery Supplier, LLC or, in the alternative, modifying subpoena and making all documents and information subject to a protective order, and awarding J&J Sales fees and costs. Oral argument is respectfully requested if opposition is filed.

Respectfully submitted,

HARWOOD LLOYD, LLC
Attorneys for Nonparty
G&C Marketing Co. d/b/a J&J Sales Co.

By: /s/ Gregory J. Irwin
GREGORY J. IRWIN, ESQ.

Dated: December 18, 2020